

FILED BY  D.C.

IN THE UNITED STATES DISTRICT COURT  
 FOR THE WESTERN DISTRICT OF TENNESSEE  
 WESTERN DIVISION

THOMAS M. GOULD  
 CLERK, U.S. DISTRICT COURT  
 W.D. OF TENNESSEE

UNITED STATES OF AMERICA and )  
 MARLENE EADY, REVENUE OFFICER OF )  
 the INTERNAL REVENUE SERVICE )

Petitioner )

v. )

CEDRIC Z. CHISM, )

Respondent )

Case No. 05-2133 DV

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ORDER CONTINUING HEARING ON PETITION TO ENFORCE IRS SUMMONS

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This matter came before the Court on the Petition to Enforce an IRS Summons filed by the United States on September 13, 2005. At the time of the scheduled hearing the Respondent did not appear in Court. Upon the request of the Petitioner the Court was prepared to issue a bench warrant for the Respondent to insure his appearance in at a future hearing. Following the hearing the Assistant United States Attorney was advised by counsel for the Respondent that the respondent had filed a voluntary Chapter 13 bankruptcy petition on August 18, 2005, though the Respondent had not listed the Internal Revenue Service as a creditor. The Assistant United States Attorney called the Court's attention to the filing of the bankruptcy petition at which time the Court determined not to issue an arrest warrant, but to suspend the hearing on the petition pending further order of the Court, IT IS THEREFORE

ORDERED that the hearing on the Petition to Enforce IRS Summons be and is hereby suspended pending further order of the Court, IT IS FURTHER

ORDERED that the Assistant United States Attorney report to the Court within 60 days

(9)

of the entry of this order whether the United States has sought and/or obtained an order terminating the automatic stay from the Bankruptcy Court and desires to proceed with the hearing on the petition or has resolved the matters raised in the Petition to Enforce IRS Summons through the United States Bankruptcy Court and desires to dismiss the Petition.

  
BERNICE B. DONALD  
UNITED STATES DISTRICT COURT

DATED: October 26, 2005



## Notice of Distribution

This notice confirms a copy of the document docketed as number 9 in case 2:05-CV-02133 was distributed by fax, mail, or direct printing on October 28, 2005 to the parties listed.

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Honorable Bernice Donald  
US DISTRICT COURT